

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Joseph Vaughn Rustad et al.
SERIAL NO.: 10/625,943
FILING DATE: July 24, 2003
TITLE: System and Method of Active Latency Detection for Network Applications
EXAMINER: Frantz B. Jean
GROUP ART UNIT: 2154
ATTY. DKT. NO.: 16010-07269

CERTIFICATE OF ELECTRONIC (EFS-WEB) TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.8(a)(i)(C) from the **Pacific Time Zone** of the United States on the local date shown below.

Dated: February 11, 2008

By: /Stuart P. Meyer/

Stuart P. Meyer, Reg. No. 33,426

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

During a telephone interview conducted on November 26, 2007, the Examiner and the undersigned attorney discussed claims 1, 10, 18 and 25. The Examiner requested that the Applicants' representative be more specific regarding what the Applicants were seeking to claim as their invention. In a telephone interview conducted on December 13, 2007, the Examiner and the undersigned attorney reached an agreement in regard to an amendment of claims 1, 10, 18 and 25 that would distinguish the claims over the prior art of record. The undersigned attorney authorized the Examiner to enter an Examiner's Amendment to amend claims 1, 10, 18 and 25 as

indicated in the Examiner's Amendment included in the Notice of Allowance dated January 23, 2008.

Respectfully Submitted,
JOSEPH V. RUSTAD ET AL

Date: February 11, 2008

By: /Stuart P. Meyer/

Stuart Meyer, Attorney of Record
Registration No. 33, 426
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7286
Fax: (650) 938-5200